

RESPONSE UNDER 37 C.F.R. 1.116

S/N 10/629,018

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	MORAD ET AL.	Examiner:	THUY TRAN LIEN
Serial No.:	10/629,018	Group Art Unit:	1761
Filed:	JULY 29, 2003	Docket No.:	2661.465US01
Title:	A MULTI-COMPONENT DOUGH		

DECLARATION OF DAVID C. RETTEY

I, David C. Rettey, deposes and says as follows:

1. My education and employment history is as follows:

Education:

South West Minnesota State University - Marshall MN 56258

- Culinology
- American Institute of Baking - Manhattan, KS 66502
- Baking Science and Technology. (Resident course)
- Baking Technologist certification.
- St. Cloud Technical College - St. Cloud, MN 56303
- Sales and Marketing
- Computer Science

St. Cloud Area Vocational Institute

- Water and Wastewater Treatment Technology

Work History:

The Schwan Food Company - Marshall, MN 56258 1997 to present

Principle Food technologist - Sr. Prod. Developer 2006 to present

Strategic Development/R&D - Packaging and Innovation Team
Sr. Product Development Technologist 2004 to present

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Research and Development –Corporate Innovation Team
Sr. Food Technologist 2002 to 2004

Research and Development - Food Service Product Development
Product Development Technologist 2001 to 2002

Research and Development - Process Engineering/Product Development
Pilot Plant Supervisor 1997 to 2001

Cub Foods - St. Cloud, MN 56304
Executive Pastry Chef 1995 to 1997

Bedrock Café - St. Cloud, MN 56301
Cub Foods - St. Cloud, MN 56301

I have substantial experience in the large-scale manufacture of food items including materials that are produced in large numbers from automated production equipment.

2. I have reviewed the Office Action dated July 9, 2007 with respect to the invention. As I understand it, the Examiner asserts that the puff pastry layer formed in the primary references is identical to the thin 0.9 mm layer claimed in the application. This assertion by the Examiner is factually incorrect.

3. Puff pastry is well known in this food technology related to crust and dough compositions. Puff pastry is typically made by sheeting a dough layer adding a fat layer to the dough layer and forming at least one lamination trapping the fat between dough layers. The resulting two layer structure is then combined with additional fat and further laminated through many steps until the puff pastry, in typical commercial products, has 99 layers of fat and 100 layers of dough, more or less. Typically the thickness of uncooked puff pastry layer is approximately 2 to 4 mm. This thickness is substantially greater than the layer in the claims.

4. Upon baking, a puff pastry expands by a factor of 3 times the original laminate thickness and is often at least 5 to 20 mm in thickness after cooking. Once cooked the puff pastry is typically mechanically fragile and while flaky and formed with a number of internal

void spaces, the cooked puff pastry does not have a "crispy" character such as that required for a pizza dough.

5. The Examiner should understand that the purpose of the invention is to combine a bready layer which is an internal layer of the crust with a thin exterior layer that simply forms a crispy thin layer on the exterior of the pizza crust. This is obtained by combining a dough formulation that will, upon cooking, form a thin crisp exterior without any substantial interior structure. While the thin layer may be laminated, it does not have the puff pastry geometry that results in the substantially expanded puff pastry layer as that term is understood in this art.

6. In summary, the uncooked puff pastry layer as typically understood in this art area typically has a thickness of about 3 mm or greater when made and after cooking reaches a substantially thicker layer. The uncooked layer is not a crispy layer and the layer resulting structure after baking is flakey and has substantial internal voids but is not crispy as required by an exterior layer on a pizza crust.

7. One of ordinary skill in the art would not equate the puff pastry layer shown in prior art patents to the thin exterior crust layer claimed in the invention. One of ordinary skill in the art would not substitute a puff pastry layer for any layer in pizza dough to make a conventional pizza.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 11/16/07


